

LOCAL BANKRUPTCY RULE 1017-2

DENIAL OR DISMISSAL FOR WANT OF PROSECUTION

(a) DISMISSAL FOR FAILURE TO FILE SCHEDULES OR STATEMENT OF AFFAIRS

If a chapter 7 petition is filed without the schedules or statement of affairs required by F.R.B.P. 1007, an order to show cause may issue, providing notice to the debtor that the case will be automatically dismissed without further notice or hearing if the required schedules and statement, or a request for extension of time within which to file the required papers, are not filed within 15 days.

(b) DISMISSAL FOR FAILURE TO APPEAR AT SECTION 341(A) MEETING OF CREDITORS

If a chapter 7 debtor fails to appear at the initial section 341(a) meeting of creditors ~~or~~ **and** any continuance thereof, the trustee shall notify the court which shall dismiss the debtor's case with a 180-day prohibition of filing another bankruptcy case. In the event of a joint case in which one debtor appears at the section 341(a) meeting of creditors and 1 debtor does not appear, the 180-day prohibition shall apply only to the non-appearing debtor.

(c) DISMISSAL OF PROCEEDINGS - GROUNDS AND EFFECT

Proceedings which have been pending for an unreasonable period of time without any action having been taken therein may be dismissed for want of prosecution upon notice and opportunity to request a hearing.

(d) DENIAL OR DISMISSAL FOR FAILURE TO APPEAR

If a party fails to appear at the noticed hearing of a motion or proceeding, the court may make such orders in regard to the failure as are just, including denial or dismissal of the matter for want of prosecution. Unless the court provides otherwise, any denial or dismissal pursuant to this Local Bankruptcy Rule shall be without prejudice.

(e) **REINSTATEMENT - SANCTION**

If any proceeding dismissed pursuant to this Local Bankruptcy Rule is reinstated, the court may impose such sanctions as it deems just and reasonable.

(f) **REFILING OF DISMISSED PROCEEDING**

If any proceeding dismissed pursuant to this Local Bankruptcy Rule is refiled as a new matter or proceeding, the party filing the later action shall comply with the requirements of Local Bankruptcy Rule 1015-2.

(g) **NOTICE OF DISMISSAL**

The clerk shall provide notice of entry of any order dismissing a proceeding under this rule to all parties to that proceeding.

See also Local Bankruptcy Rule 9013-1(b): MOTIONS, DISMISSAL OR SUSPENSION OF CASE.

Court's Comment

2001 Revision

Paragraph (b). This paragraph was revised to correct a typographical error: *or any continuance changed to and any continuance.*

2000 Revision

Paragraph (b). **DISMISSAL FOR FAILURE TO APPEAR AT SECTION 341 (A) MEETING OF CREDITORS** paragraph added incorporating General Order 93-01.

1998 Revision

Paragraph (f). *Attorney* changed to *party*.

Paragraph (g). An *adversary proceeding* changed to a *proceeding*.

Cross-reference to Local Bankruptcy Rule 9013-1(b) added.